

### **REMARKS/ARGUMENTS**

Claims 23, 24, and 26-52 remain pending in the present application.

Claims 23, 29-30, 44-46 and 51-52 have been rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,520,972 to Ezaki et al. in view of U.S. Patent No. 6,476,171 to Lue et al. Applicants respectfully traverse this rejection and request reconsideration, since the references, even in combination, fail to disclose or suggest each and every claim limitation.

The present claims are directed to a film comprising an A/B/A structure, wherein: core layer B comprises 60-90 wt.% LDPE and 40-10 wt.% HDPE, and skin layers A are each independently selected from a composition comprising: (a) 85-95 wt% mLLDPE; and (b) 5 -15 wt% of HDPE, LDPE, or a mixture thereof (claim 23). That is, the presently claimed structure must have 85-95 wt% LLDPE in the skin layers.

Ezaki et al. disclose a medical bag composed of a three layer laminate film having an outer and an inner layer comprising high density polyethylene (HDPE), and an intermediate layer comprising a linear low density polyethylene (LLDPE) (Abstract). The outer and inner layers can be a composition of HDPE with 60% by weight or less of low density polyethylene (LDPE) (col. 2, lines 53-60). Ezaki et al. fail to disclose or suggest that their inner and/or outer layer can have LLDPE, particularly not mLLDPE.

Beginning at page 2 of the Office Action, the Examiner contends

However, because Ezaki et al disclose at least three layers, it would have been obvious for one of ordinary skill in the art to have provided for six layers comprising two of the film structures laminated to each other, therefore an A/B/A structure comprising a core layer comprising 60 - 90% wt.% LDPE and 40 - 10 wt.% HDPE (column 2, lines 53 - 65) and skin layers comprising 5 - 15 wt.% HDPE and LLDPE.

Applicants respectfully submit that the structure suggested by the Examiner would not contain 85-95 wt% LLDPE in either of the outer/inner "skin" layers, as claimed herein. The ensuing structure would be A/B/A/A/B/A, wherein the A layers would be HDPE/LDPE.

Thus, even laminating two of the Ezaki et al. film structures together would result in skin layers "A" having HDPE and LDPE, not mLLDPE.

The Examiner turns to Luc et al. for the proposition that it would have been obvious to use mLLDPE in place of LDPE. Without commenting on the proposed substitution, Applicants submit that Luc et al. fail to provide motivation for the skilled artisan to modify the Ezaki et al. structure in the manner of the present claims. Notably, Ezaki et al. indicate the importance of the inner (skin) layer containing HDPE to prevent

a large amount of fine particles from eluting into the liquid contained in the bag even when the bag is exposed to a high pressure steam at a high temperature (col. 3, lines 16-20).

Thus, even in combination the references fail to disclose or suggest the presently claimed film structures.

Withdrawal of the rejection is requested on this basis.

Claims 24, 26-28, 31-43 and 47-50 have been rejected under **35 U.S.C. § 103(a)** as obvious over Ezaki et al. in view of Luc et al. and further in view of U.S. Patent Appl. Pub. No. 2001/0003624 to Lind et al. Applicants respectfully traverse this rejection and request reconsideration.

Applicants reiterate their remarks in traverse of the application of Ezaki et al. and Luc et al. as applied to the present claims, as set forth above.

Lind discloses multilayer barrier films where at least one layer contains a barrier material such as polyvinylidene chloride copolymers, ethylene vinyl alcohol, nylon, or a metal foil. Lind does not disclose a film having a core layer comprising 60-90 wt% LDPE and 10-14 wt% HDPE as claimed by Applicants. The skin layers of the films in Lind generally comprise a copolymer of ethylene and an alpha-olefin or a blend of a copolymer of ethylene and an alpha-olefin and ethylene vinyl alcohol [0073] and Table 1.

The Examiner states:

Ezaki et al and Lue et al disclose a polyethylene film comprising skin layers as discussed above. With regard to Claim 24, Ezaki et al and Lue et al fail to disclose a skin layer having a blend of LLDPE and an ethylene-alpha olefin copolymer and having a density of 0.940 g/cm<sup>3</sup>.

Lind et al teach a film having an ethylene-alpha olefin copolymer having a density of 0.940 g/cm<sup>3</sup> (paragraph 0020) for the purpose of obtaining a film for the wrapping of a group of items (paragraph 0004). One of ordinary skill in the art would therefore have recognized the advantage of providing for the film of Ezaki et al and Lue et al, which comprises a film, depending on the desired use of the end product.

It therefore would have been obvious for one of ordinary skill in the art at the time Applicant's invention was made to have provided for an ethylene-alpha olefin copolymer having a density of 0.940 g/cm<sup>3</sup> in Ezaki et al and Lue et al in order to obtain a film for the wrapping of a group of items as taught by Lind et al. (Office Action, pp. 3-4).

The Examiner apparently suggests that it would have been obvious to modify Ezaki et al. to have a skin layer containing mLLDPE, as presently claimed herein. However, as discussed above, Ezaki et al. indicate the importance of having HDPE in the "skin" layers thereof, to avoid elution of particles into the interior of the bag. One of skill in the art would not have been motivated to modify Ezaki et al. to replace the skin layer containing HDPE with a skin layer containing a majority of mLLDPE, for this reason.

Thus, Applicants submit that even in combination with Ezaki et al. and Lue et al., Lind et al. do not disclose or suggest a film wherein both skin layers have mLLDPE.

Withdrawal of the rejection is requested on this basis.

Applicants invite the Examiner to telephone the undersigned attorney, if there are any issues outstanding which have not been presented to the Examiner's satisfaction. If necessary to affect a timely response, this paper should be considered as a petition for Extension of Time sufficient to affect a timely response. Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1712 (Docket # 2003B101A-US).

Respectfully submitted,

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/Frank E. Reid/

Frank E. Reid  
Attorney for Applicants  
U.S. Reg. No.: 37,918

ExxonMobil Chemical Company  
Law Technology  
P.O. Box 2149  
Baytown, Texas 77522-2149  
(281) 834-1743 (Office)  
(281) 834-2495 (facsimile)